

1 K&L GATES LLP
Four Embarcadero Center, Suite 1200
2 San Francisco, CA 94111
Telephone: (415) 882-8200
3 Facsimile: (415) 882-8220
Susan E. Hollander (SBN 133473)
4 *susan.hollander@klgates.com*
Sharoni S. Finkelstein (SBN 271829)
5 *sharoni.finkelstein@klgates.com*

6 K&L GATES LLP
10100 Santa Monica Boulevard
7 Los Angeles, CA 90067
Telephone: (310) 552-5000
8 Facsimile: (310) 552-5001
Seth A. Gold (SBN 163220)
9 *seth.gold@klgates.com*

10 Attorneys for Plaintiff
11 GMYL, L.P.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 GMYL, L.P., a California limited partnership;

15 Plaintiff,

16 vs.

17 ERNESTO COPPOLA, an individual; COPPOLA
18 FOODS LIMITED, a foreign company; and
DOES 1 THROUGH 10

19 Defendants.

CASE NO. 3:13-cv-04739

STIPULATED INJUNCTION

1 WHEREAS, Plaintiff GMYL, L.P. (“**GMYL**”) owns multiple United States federal trademark
2 registrations for trademarks that include COPPOLA, including Reg. No. 2,150,945 for the mark
3 FRANCIS COPPOLA for “wine” in Class 33 and Reg. No. 2,467,249 for the mark FRANCIS
4 COPPOLA PRESENTS for “olive oils” in Class 29 and “pastas and sauces” in Class 30; GMYL also
5 owns common law rights in the trademark COPPOLA for wine and food products including olive
6 oils, pastas, and sauces (collectively, “**GMYL’s COPPOLA Trademarks**”);

7 WHEREAS, Defendants Ernesto Coppola and/or Coppola Foods Limited (“**Defendants**”)
8 have made available for download an iPhone and iPad software application titled “COPPOLA” on
9 the Apple iTunes App Store in the “Food and Drink” Category, which provides product information
10 about Defendants’ COPPOLA branded olive oils, pastas sauces, and other food products and recipes
11 for cooking with those products (“**Defendants’ App**”);

12 WHEREAS, GMYL commenced the within action on or about October 11, 2013 (“**Action**”)
13 alleging federal trademark infringement, federal unfair competition and false designation of origin,
14 federal trademark dilution, state unfair competition, common law trademark infringement, common
15 law unfair competition, and declaratory judgment against Defendants arising out of, among other
16 things, Defendant’s use of COPPOLA with respect to Defendants’ App;

17 WHEREAS, This Court has jurisdiction over Defendants and over the subject matter at issue
18 in this action;

19 WHEREAS, Defendants consent to jurisdiction of this Court for the purpose of executing and
20 enforcing this Stipulated Injunction, and this Court retains jurisdiction for this purpose;

21 WHEREAS, Defendants acknowledge that if for any reason in the future they should violate
22 the terms of this Stipulated Injunction, damages to GMYL would be an ineffective remedy to redress
23 all of GMYL’s injury and GMYL shall be entitled to injunctive relief if the breach or improper use of
24 trademarks is established; and

25 WHEREAS, GMYL and Defendants, by their respective attorneys, having indicated below
26 their consent to the form and entry of this Stipulated Injunction, without trial and without further
27 notice:
28

IT IS HEREBY ORDERED that effective May 22, 2014:

(1) Defendants and each of Defendants' officers, agents, servants, employees, attorneys, successors, and assigns, and all persons in active concert or participation with them, shall be permanently enjoined in the United States from selling, advertising, and/or promoting products and/or services under any trademark that includes COPPOLA, COPPOLA SALERNO, and/or any trademark that is confusingly similar to GMYL's COPPOLA Trademarks.

(2) Upon entry of this Stipulated Injunction, this Action shall be dismissed with prejudice, with each party to bear its and his own attorneys' fees and costs.

Dated: May 21, 2014

Consented and agreed to by:

K&L GATES LLP



Susan E. Hollander

Seth A. Gold

Sharoni S. Finkelstein

Attorneys for GMYL, L.P.

Colt / Singer / Bea LLP



Benjamin L. Singer

Attorneys for Ernesto Coppola and Coppola Foods Limited

PURSUANT TO STIPULATION, IT IS SO ORDERED

By: 

UNITED STATES DISTRICT JUDGE

The Honorable Judge Richard Seeborg

Date: 5/22/14